

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 5:20-CV-00680-M

MICHAEL WAYNE HILL,)
Plaintiff,)
)
v.)
)
FREEDOM MORTGAGE CORP,)
Defendant.)

ORDER

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge Robert B. Jones, Jr. [DE-9] to dismiss this action for failure to state a claim for which relief may be granted. Pro se plaintiff filed a “notice” in apparent response, which was docketed as an objection to the M&R [DE-11].¹ In his notice Plaintiff apologizes “for my insufficient complaint, and [thanks the court] for the second opportunity to particulate my clame.” DE-11 at 1. Plaintiff goes on to explain that “[t]he owner’s mortgag was a V.A. mortgage. The Vetrans Affair does not have a survivors rule. I as oldest male residing in the house at the time of the owner’s death has not released any obligation, by following a process of inheritance the mortgage corporation did commit fraud.” DE-11 at 2.


“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); *see* 28 U.S.C. § 636(b). Absent timely objection, “a district court need not conduct a de novo review, but instead must only satisfy

¹ On the same day as the M&R was docketed, Plaintiff refiled identical copies of his proposed complaint [DE-1-1] and supplement to his complaint [DE-8] at Docket Entry 10 and 10-1.

itself that there is no clear error on the face of the record in order to accept the recommendation.”
Diamond, 416 F.3d at 315 (citation and quotation omitted).

The court has reviewed the M&R and the record in this case and is satisfied that there is no clear error on the face of the record. As currently styled, Plaintiff’s complaint fails to state a claim for which relief may be granted and Plaintiff’s notice/objection [DE-11] did nothing to cure this. Accordingly, the court ADOPTS the M&R [DE-9] and for the reasons state therein DISMISSES this action WITHOUT PREJUDICE. The Clerk of Court is DIRECTED to close the case.

SO ORDERED this the 22 day of February, 2021.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE